©
Government of Kerala
1979

Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXIV] Trivandrum, Sunday, 1st July 1979 / 10th Ashadha 1901 (Saka) [No. 459

GOVERNMENT OF KERALA

Law (Leg. A) Department

NOTIFICATION

No. 9772-Leg (A) 2/79/Law *Dated, Trivandrum, 1st July 1979 / 10th Ashadha 1901 (Saka)*

The following Ordinance promulgated by the Governor on the 1st day of July 1979, is hereby published for general information.

By order of the Governor,

P. A. Srinivasan,

Joint Secretary

33/2659.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS,
TRIVANDRUM, 1979.

ORDINANCE No. 3 OF 1979

THE KERALA ESSENTIAL SERVICES MAINTENANCE ORDINANCE, 1979

Promulgated by the Governor of Kerala in the Thirtieth Year of the Republic of India.

AN

ORDINANCE

to provide for the maintenance of certain essential services and the normal life of the community in the State of Kerala.

Preamble.—WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for her to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Kerala Essential Services Maintenance Ordinance, 1979.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force at once.

2. *Definitions.*—In this Ordinance, unless the context otherwise requires,—

(a) "essential service" means—

(i) any service under the Government which the Government may, by notification in the Gazette, declare to be an essential service for the purposes of this Ordinance;

(ii) any other service connected with matters with respect to which the State Legislature has exclusive power to make laws and which the Government, being of opinion that strikes therein would prejudicially affect the maintenance of any public utility service, the public safety or the maintenance of supplies and services necessary for the life of the community or would result in the infliction of grave hardship on the community, may, by notification in the Gazette, declare to be an essential service for the purposes of this Ordinance;

(b) "strike" means the cessation of work by a body of persons employed in any essential service acting in combination or a concerted refusal

or a refusal under a common understanding of any number of persons who are or have been so employed to continue to work or to accept employment, and includes—

(i) mass casual leave in pursuance of a common understanding among the persons who avail themselves of such leave or under the direction of any other person or persons;

(ii) refusal to work overtime where such work is necessary for the maintenance of any essential service;

(iii) any other conduct which is likely to result in, or results in, cessation or substantial retardation of work in any essential service.

3. *Power to prohibit strikes in essential services.*—(1) If the Government are satisfied that in the public interest it is necessary or expedient so to do, they may, by general or special order, prohibit strikes in any essential service specified in the order.

(2) An order made under sub-section (1) shall be published in such manner as the Government consider sufficient to bring it to the notice of the persons affected by the order.

(3) An order made under sub-section (1) shall be in force for a period of three months only, but the Government may, by a like order, extend it for any period not exceeding three months, if they are satisfied that in the public interest it is necessary or expedient so to do.

(4) Upon the issue of an order under sub-section (1),—

(a) no person employed in any essential service to which the order relates shall go or remain on strike;

(b) any strike declared or commenced, whether before or after the issue of the order, by persons employed in any such service shall be illegal.

4. *Penalty for illegal strikes.*—Any person who commences a strike which is illegal under this Ordinance, or goes or remains on, or otherwise takes part in, any such strike shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

5. *Penalty for instigation, etc.*—Any person who—

(a) instigates, or incites other persons to take part in, or otherwise acts in furtherance of, a strike which is illegal under this Ordinance; or

(b) knowingly expends or supplies any money in furtherance or support of any such strike,

shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees or with both.

6. *Offence to be cognizable and non-bailable.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974),—

(i) any police officer may arrest without warrant any person who is reasonably suspected of having committed any offence under this Ordinance;

(ii) any offence punishable under this Ordinance shall be non-bailable.

7. *Ordinance to over-ride other laws.*—The provisions of this Ordinance and of any order issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

JOTHI VENCATACHELLUM,
GOVERNOR.

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GOVERNMENT OF KERALA

General Administration (SS) Department

NOTIFICATIONS

I

No.73990/SS1/79-1/GAD — *Dated, Trivandrum, 1st July* 1979.

S.R.O.No.744/79.—In exercise of the powers conferred by sub-clause (i) of clause (a) of section 2 of the Kerala Essential Services Maintenance Ordinance, 1979 (3 of 1979), the Government of Kerala hereby declare the services under the Government specified in the Schedule below to be essential services for the purposes of the said Ordinance.

THE SCHEDULE

(1) Services in the Health Services Department, Public Health Laboratory and Hospitals.

(2) Services in the Public Health Engineering Department.

(3) Services in the Electrical Wing of the Public Works Department.

(4) Services in the Civil Supplies Department.

(5) Services of Forest Watchers, Forest Guards, Foresters, Deputy Rangers and Rangers in the Forest Department.

(6) Services of teaching and non-teaching staff of the Institutions selected for the conduct of the Examinations of the Government of India, Staff Selection Commission.

(7) Services of the Staff of the Examination Wing of the Directorate of Public Instruction.

II

No.73990/SS1/79-2/GAD *Dated, Trivandrum, 1st July* 1979.

S.R.O.No.745/79.—In exercise of the powers conferred by sub-section(1) of section 3 of the Kerala Essential Services Maintenance Ordinance, 1979 (3 of 1979), the Government of Kerala being satisfied that it is necessary in the public interest so to do, hereby prohibit strike in the following essential services declared as such by notification No. 73990/SS1/79-1/GAD dated the 1st July, 1979, published as S.R.O.No.744/79 in the Kerala Gazette Extraordinary No. 460 dated the 1st July 1979, namely:-

ESSENTIAL SERVICES

(1) Services in the Health Services Department, Public Health Laboratory and Hospitals.

(2) Services in the Public Health Engineering Department.

(3) Services in the Electrical Wing of the Public Works Department.

(4) Services in the Civil Supplies Department.

(5) Services of Forest Watchers, Forest Guards, Foresters, Deputy Rangers and Rangers in the Forest Department.

(6) Services of teaching and non-teaching staff of the Institutions selected for the conduct of the Examinations of the Government of India, Staff Selection Commission.

(7) Services of the Staff of the Examination Wing of the Directorate of Public Instruction.

III

No.73990/SS1/79-3/GAD *Dated, Trivandrum, 1st July* 1979.

S.R.O.No.746/79.—In exercise of the powers conferred by sub-clause (ii) of clause (a) of section 2 of the Kerala Essential Services Maintenance Ordinance, 1979 (3 of 1979), the Government of Kerala, being of opinion that strikes in the public utility services specified in the Schedule below, under the Municipal Corporations, Municipalities, Panchayats and the Guruvayoor Township would prejudicially affect the maintenance of the said public utility services and result in the infliction of grave hardship on the community, hereby declare the said services to be essential services for the purposes of the said Ordinance.

THE SCHEDULE

Services connected with,—

(1) the distribution and maintenance of water supply;

(2) the maintenance of sanitation;

(3) the maintenance of public health.

IV

No.73990/SS1/79-4/GAD *Dated, Trivandrum, 1st July* 1979.

S.R.O.No.747/79.—In exercise of the powers conferred by sub-section (1) of section 3 of the Kerala Essential Services Maintenance Ordinance, 1979 (3 of 1979), the Government of Kerala, being satisfied that it is necessary in the public interest so to do, hereby prohibit strikes in the following essential services declared as such by Notification No. 73990/SS1/79-3/GAD dated the 1st July 1979, published as S. R. O. No. 746 in the Kerala Gazette Extraordinary No. 460 dated the 1st July 1979, namely:—

ESSENTIAL SERVICES

Services connected with:

(1) distribution and maintenance of water supply;
(2) maintenance of sanitation;
(3) maintenance of public health.

By order of the Governor,
M.S.K. RAMASWAMY,
Special Secretary to Government.

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